

Special Permits Step-by-step

WHAT IS A SPECIAL PERMIT

A **Special Permit** isn't actually a permit in the familiar sense, but permission to construct a building or establish a use that is not allowed by right. It usually consists of a set of plans that are accompanied by a list of findings and conditions for their approval. Special permits are always required for multi-family housing and larger commercial projects. They often are required when special site characteristics or design features warrant a deviation from the zoning standards for a typical lot. Common requests for exceptions to these standards include variations in building height, setbacks, floor area ratios (FARs), and the number of parking spaces provided. Sometimes a proposed use has unique characteristics that warrant special review to make sure it will be compatible with other uses nearby.

HOW DO I KNOW IF I NEED A SPECIAL PERMIT? Check with a **land use planner or building inspector**. He or she can provide information about City zoning standards and other regulations that may apply to your situation as well as the options available to you to most easily achieve your goal.

What is the process?

Step 1 – Development Review. The Development Review Team (DRT) consists of City staff from several departments. It meets weekly with prospective applicants to evaluate new proposals. Most people find this an efficient way to learn about issues they may want to address early on to ensure a successful project. After the DRT meeting, you'll be given a checklist for the next step *if* you need a special permit.

Step 2 – Zoning Review. The Chief Zoning Code Official (CZCO) will review the proposal for compliance with the City's zoning regulations and will prepare a written report. Provided that all necessary information is provided by the applicant to describe the project, the CZCO will complete this review within 45 days. When the review is done, you'll be given a special permit application.

Step 3 – Special Permit Application. This application includes a checklist outlining the information needed, which is similar to that for a zoning review. You will need to submit 15 copies, since plans will be reviewed by several members of City staff and the eight members of the Land Use Committee of the Board of Aldermen. You can obtain this checklist and application from any land use planner. A planner must review the submittal for completeness before it's turned in to the City Clerk.

Step 4 – Public Hearing. The Land Use Committee will hold a public hearing to learn about your proposal. You'll have a chance to present the project, answer their questions, and hear what other interested parties have to say. Neighbors will be notified of the hearing and your personal contact with them in advance is strongly advised; their feedback can inform design decisions and foster support for the proposal. Aldermen from the ward should also be contacted prior to the public hearing. By law, a hearing must be held within 65 days of filing, but it's usually much sooner.

Step 5 – Working Session. Soon after the public hearing, the Land Use Committee will hold a working session to discuss the merits of the proposal and make recommendations to the full Board. The public is *not* invited to speak at this meeting and applicants may participate only if invited by the Committee Chair.

Step 6 – Board of Aldermen. The Land Use Committee Chair will report the Committee’s recommendations to the Board at its next meeting (usually within 2 weeks) and the Board will vote on the proposal; 16 (out of 24) affirmative votes are needed. The Board can approve, deny, or send a proposal back to Committee for further consideration. Building permits can be issued if the decision is not appealed by a party of interest (as defined in MGL Chapter 40A) within 20 days of filing of the Board’s decision.

WHO IS ON THE LAND USE COMMITTEE? The Land Use Committee consists of eight members of the Board of Aldermen, one from each ward.

HOW WILL THEY DECIDE WHAT TO DO? First, they’ll look at the specific criteria that are prescribed in the Zoning Ordinances. They also assess consistency with the goals and objectives of the City’s *Comprehensive Plan*. They’ll consider by-right alternatives and whether unusual site features limit the ability to build a by-right project on the site; these could include environmental constraints (such as wetlands), significant vegetation, unusual topography or lot shape, historic context, accessibility by various modes of transportation, archaeology, drainage, emergency access, or related public safety issues. In general, they’ll want to know the proposed project will be a good neighbor, fits in its setting, and enhances the quality of life. Approvals must be exercised within a year, but may be extended for a second year with Board approval.

WILL I NEED AN ATTORNEY? You might, depending on the complexity of the project. An attorney will make sure to ask for all the appropriate “reliefs” and look out for your interests. However, legal counsel is not required and may not be necessary for simple requests.

HOW LONG WILL IT TAKE? It varies, depending on the scope of the project and available meeting dates, but review of an average petition takes about 2-4 months. More complex projects may require 6 months or more to review.

ARE THERE FEES? Fees are \$350 for residential and \$750 for commercial projects.

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